S.B.CRIMINAL MISC. BAIL APPLICATION NO.5919/2006
S.B.CRIMINAL MISC. BAIL APPLICATION NO.5936/2006

Date : 08.01.2007

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Farzand Ali for applicant-Shankar Lal Khatik.
Mr. Farzand Ali for Mr.Manish Pitaliya for applicant Mukesh.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

Both the bail applications under Section 438 Cr.P.C. arise out of the same FIR, therefore, they are being disposed of together.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

Learned counsel submits that after passing of the Court's order investigation in this matter has been completed and no recovery was effected from the accused applicants, therefore, they may be given benefit of anticipatory bail.

On the other hand, learned Public Prosecutor has not opposed the factual aspect of the matter that recovery has

been effected and the accused applicants have presented themselves before the Investigating Agency.

I have considered the submissions made before me.

After hearing submissions made by the learned counsel for the parties while taking into consideration overall facts and circumstances of the present case, I deem it just and proper to grant anticipatory bail to the applicants. Accordingly, it is directed that in the event of arrest of applicants (1) Shanker Lal Khatik s/o Dal Chand Khatik and (2) Mukesh s/o Bherulal Khatik by I.O./S.H.O. in FIR No.424/2006 P.S. Chanderiya, District Chittorgarh, they shall be released on bail provided each of them furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing

such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.

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